

COMMISSIONERS APPROVAL

CHILCOTT *g*

LUND *MA*

THOMPSON *AK*

TAYLOR (Clerk & Recorder)

Date.....July 25, 2006

Members Present.....Commissioner Greg Chilcott, Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Glenda Wiles

The Board met on a Request for Commission Action on Squire Estates Major Subdivision as follows:

Ravalli County Board of County Commissioners (BCC)

Meeting Minutes for July 25, 2006

9:00 a.m.

Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana

1. Call to order

Commissioner Chilcott called the meeting to order at 9:00 AM.

2. BCC and Staff

(A) BCC

Greg Chilcott (Present)
Alan Thompson (Present)
Betty Lund (Present)

(B) Staff

Benjamin Howell

3. Public Meeting

(A) Squires Estates (Ede) Major Subdivision and Subdivision for Lease or Rent on Lot A5 (Second BCC Meeting)

(i) Board action on the Subdivision Proposal

(a) Board Decision

Commissioner Thompson made a motion to **approve** the Squires Estates Major Subdivision, based on the findings of fact and conclusions of law in the staff report as amended, and subject to the conditions in the staff report with the following amendments:

1. Condition 10 shall state that the applicants shall contribute \$125 each to the Lone Rock School District and the Stevensville School District for the existing residential dwelling on Lot A5, and shall place an encumbrance of \$125 per residential dwelling to the Lone Rock School District and the Stevensville School District upon first conveyance, including lease or rent, on the final plat.
2. Condition 11 shall state that \$500 per unit shall be contributed to the Stevensville Rural Fire District prior to final plat approval, for a total of \$5,500.00.

Commissioner Lund seconded the motion and the Commissioners voted 3-0 to **approve** the motion.

The Board met for various administrative matters that include the following: Administrative Officer Skip Rosenthal brought forth the MAPS application for the Cultural Heritage Trust Grant. Skip stated the application presented by Peter Rosten is very complete and the grant application was previously approved by the Commissioners.

Skip also addressed a complaint by the Department of Labor about some work that is being done at the airport. Skip stated he reviewed the work being done by volunteers. They are digging three holes to be filled with concrete for the tie down of hangars. Skip stated he has already visited with the Workers Compensation Office and the volunteers are covered by insurance and workers compensation. The Department of Labor has been advised of this information.

Skip gave a brief update on the CTEP Project in Corvallis which included the date of the pre-bid conference and date of award.

Skip also presented numerous Employee Action forms for signature.

In other administrative matters Commissioner Thompson made a motion to sign amendment #06-07-4-11-037-0 with DPHS for an increase in payment for the Pandemic Influenza deliverables. Commissioner Lund seconded the motion. All voted 'aye'.

The Board discussed the election of Forestry payment for Ravalli County. Commissioner Thompson made a motion to elect to have the Title 2 Projects funded by the 85/15 percent payment. Commissioner Lund seconded the motion and all voted "aye".

Commissioner Thompson made a motion to approve the minutes of February 1, 2006, through February 17, 2006, and the subdivision minutes of May 25, 2006, June 13, 2006, June 27, 2006 and June 29, 2006. Commissioner Lund seconded the motion and all voted "aye".

In other business the Board met with John German who had questions and discussion on the back taxes for the Darby Lumber property. John stated he has bought the note on the property and he has the ability to foreclose on the note, but wants to clear up numerous issues on the property first, such as the contaminated area and the back taxes. The only thing he can do now is to fence the property off since he holds the note (mortgage). If he forecloses on the note he owns the land. The state has approximately 10-acres fenced off due to contamination. The actual property consists of five lots, and includes 1.3 acres by the cemetery. If he ends up foreclosing on this property he will give the City of Darby the 1.3 acres which is on the other side of the Highway. He stated if he moves forward with foreclosure he will have a lot line adjustment in order to consolidate the lots into a 30-acre parcel.

John asked what could be done about the back taxes. Darby Lumber was in bankruptcy but the state court has abandoned the proceedings because there is no money. He asked if the back taxes could be re-evaluated since the property is not being utilized as a lumber company. John stated the Department of Revenue (DOR) stated the re-evaluation procedure is done by the Department of Revenue, but DOR indicated the Commissioners have discretion on the back taxes, which totals roughly \$60,000.00. It is not sure if this amount is on the contaminated lot. All six parcels however are tied up by D.E.Q. due to the contamination.

The Board concurred they have no problems clearing off the back taxes on the small 1.2 acres if it is to be given to the City of Darby. However, the remaining parcels have value and DEQ needs to finish up their work on the contaminated parcel. John stated if he forecloses on the property he hopes to turn the parcels into a light industrial park area. He noted municipal water services are available at the lumber company.

Commissioner Chilcott stated his concern is that the taxpayers pick up the contamination clean up since this is a super fund site, and also lose tax revenue at the same time. John stated he is looking at turning this into property that will generate taxes instead of 'just sitting there'.

Commissioner Lund tallied the taxes up and stated the penalty and interest is roughly \$35,000.00. She indicated that amount reflects money that goes to the schools, which might prove difficult. She stated it is not difficult for the Board to wipe out the penalties and interest. The Board concurred John needs to visit with Chris Faes at DOR for any re-

appraisal and re-assessment. They would then be willing to review the issue of back taxes.

The Board met with Insurance Agent of Record Fred Thomas and Administrative Director Skip Rosenthal in regard to the Workers Compensation.

In other business the Board met for a Request for Commission Action on the Gunshy Ridge Three Subdivision. Minutes are as follows:

Ravalli County Board of County Commissioners (BCC)
Meeting Minutes for July 25, 2006
2:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana

3. Call to order

Commissioner Chilcott called the meeting to order at 2:00 PM.

4. BCC and Staff

(A) BCC

Greg Chilcott (Present)
Alan Thompson (Present)
Betty Lund (Present)

(B) Staff

John Lavey
Renee Van Hoven
James McCubbin

4. Public Meeting

(B) Gunshy Ridge Three (Bitterroot Valley Development, LLC) Major Subdivision and One Variance Request

(ii) Board action on the Variance Request

(a) Review of the Variance Request against the Five Criteria

1. The granting of the variance will not be substantially detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.

All Commissioners agreed.

2. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

All Commissioners disagreed.

3. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

All Commissioners disagreed.

4. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

All Commissioners agreed.

5. The variance will not cause a substantial increase in public costs.

All Commissioners agreed.

(b) Board Decision

Commissioner Thompson motioned to **approve** the variance from section 3-2-16(b) of the Ravalli County Subdivision Regulations, to allow the stormwater grading and drainage plans to not meet the requirements of MDEQ Circular 8, based on the findings that the consultant has had email correspondence with representatives from DEQ stating that the rational method, used by the consultant, is sufficient for stormwater calculations, that the consultant states that his plans are sufficient for DEQ review and approval, and based on an overall positive finding of the variance review criteria.

Commissioner Lund seconded the motion and the Commissioners voted 3 – 0 to **approve** the variance.

(iii) Board action on the Subdivision Proposal

(a) Board Decision

Commissioner Lund made a motion to **approve** the Gunshy Ridge Three Major subdivision, based on the findings of fact and conclusions of law in the staff report as amended, and subject to the conditions in the staff report with the following amendments:

3. Amend the "Notification of No-Build Zone" in the Notifications document to read: "**Notification of**

Restricted Area. Within this subdivision there is a restricted area from the plateau of the bench northeast to Jenne Lane, as shown on the final plat. No residential dwellings may be constructed in this area. Roads, utilities, and outbuildings shall be permitted."

4. Amend Condition 9 to reflect that a restricted area shall be shown on the final plat and that zone explicitly excludes residential dwellings.
5. Amend point number one under "Effects of Agriculture" to reflect the fact that Florence is a Community, not a town

Commissioner Thompson seconded the motion and the Commissioners voted 3-0 to **approve** the subdivision.

(b) Other Items

The consulting engineer, Gordon Sorenson, offered to extend the trail easement along the entire length of Molly Court and the west length of Jenne Lane. These easements shall be shown on the final plat.

The Board met to discuss and possibly make a decision on the adoption of the Right to Farm Open Space Bond that will be placed on the November General Election ballot as a special election ballot issue. Present at this meeting were members of the Right to Farm and Ranch Board, Extension Agent Rob Johnson, County Attorney George Corn and Planning Director Karen Hughes. Commissioner Chilcott noted this is a continuation of the meeting of July 12, 2006.

Commissioner Lund was not present at the evening meeting of July 12th and appreciated the recording provided by the Planning Office.

Commissioner Lund asked for clarification on the Montana Code 76-6-104 for purchased land. Dan Huls, Chairman of the Right to Farm and Ranch stated if they purchased the land it could be utilized for park and recreational purposes. If there is a conservation easement; Karen stated public easement could be allowed, as there are a number of ways to define those.

Commissioner Lund stated she appreciates the fact that the citizens have a chance to vote on these general obligation bonds. Commissioner Thompson noted after the evening meeting, a citizen was not appreciative of the make-up of the volunteer board for the open lands. Commissioner Thompson stated if the citizens vote to approve of the bonds, then they can look to those specific issues. On page 2, first paragraph, the average parcel size in the unincorporated area of Ravalli County under private ownership is 16.74 acres. He stated that appears to be rather large and felt the average size would be closer to 5 acres. He stated the public needs to be educated on this issue.

Commissioner Chilcott read an email from Cliff Trexler, which stated in part "please look below the surface. The whole valley is surrounded with open space. Why subsidize a select few with tax payer money that should be used other places. If the rancher really wants to do this, they can do it now with a conservation easement....". He also read an email from Terry Polumsky which stated in part "if the public pays for the land, will the public have access to the land, if we are looking for open land, why is the bond limited to agricultural/ranch land, what is the responsibility of the landowners, what is the tool that will be used to preserve the land, or will the land be transferred fee simple to the county, and how will the land be maintained". Commissioner Chilcott stated there is a need to share accurate information to not only these people with important questions but to others who may have these similar questions.

Commissioner Chilcott thanked the Right to Farm and Ranch Board for all of their efforts.

Commissioner Thompson made a motion to adopt Resolution No. 1946 which is a resolution of the Board of County Commissioners submitting to the qualified electors of Ravalli County, the question of issuing general obligation bonds in the amount of ten million dollars for the purpose of preserving open lands in Ravalli County subject to the terms and conditions of the Resolution. Commissioner Lund seconded the motion and all voted "aye".